

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

Civil Action No.: 2:20-CV-1710

ROBERT KESSLER,
Plaintiff,

v.

BY'S BURGERS and OKH, INC.,
Defendants.

ANSWER

Defendant, By's Burgers, by and through its counsel, Courtenay Patterson of Law Offices of Courtenay Patterson, LLC, files its Answer and Affirmative Defenses to Plaintiff's Complaint and alleges as follows:

1. Defendant admits the allegations contained in Paragraph 1 of the Complaint.
2. Defendant states that it lacks sufficient knowledge or information to form a belief as to the truthfulness of the allegations contained in Paragraph 2 of the Complaint and, therefore, denies all such allegations.
3. Defendant states that it lacks sufficient knowledge or information to form a belief as to the truthfulness of the allegations contained in Paragraph 3 of the Complaint and, therefore, denies all such allegations.
4. Defendant states that it lacks sufficient knowledge or information to form a belief as to the truthfulness of the allegations contained in Paragraph 4 of the

Complaint and, therefore, denies all such allegations.

5. OKH, Inc. is neither the lessor nor owner of the real property as described in Paragraph 5 of the Complaint and, therefore, Defendant denies the allegations contained in Paragraph 5 of the Complaint.
6. Defendant denies the allegations contained in Paragraph 6 of the Complaint.
7. Defendant states that the allegations contained in Paragraph 7 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein.
8. Defendant states that the allegations contained in Paragraph 8 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein.
9. Defendant states that the allegations contained in Paragraph 9 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein.
10. Defendant admits the allegations contained in Paragraph 10 of the Complaint.
11. Defendant states that the allegations contained in Paragraph 11 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein. By way of further answer, Defendant denies any and all

allegations of wrongdoing inferred or contained in paragraph 11 of the Complaint.

12. Defendant denies the allegations contained in Paragraph 12 of the Complaint.

By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 12 of the Complaint.

13. Defendant states that the allegations contained in Paragraph 13 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein.

14. Defendant states that the allegations contained in Paragraph 14 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 14 of the Complaint.

15. Defendant states that the allegations contained in Paragraph 15, including all subparagraphs of Paragraph 15, of the Complaint contain legal conclusions to which no response is required. Defendant further states that it lacks sufficient knowledge or information to form a belief as to the truthfulness of the allegations contained in Paragraph 15 of the Complaint and, therefore, denies all such allegations, and the legal conclusions contained in Paragraph 15 of the Complaint.

16. Defendant states that the allegations contained in Paragraph 16 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 16 of the Complaint.
17. Defendant states that the allegations contained in Paragraph 17 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 17 of the Complaint.
18. Defendant denies the allegations contained in Paragraph 18 of the Complaint. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 18 of the Complaint.
19. Defendant states that the allegations contained in Paragraph 19 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 19 of the Complaint.
20. Defendant states that the allegations contained in Paragraph 20 of the

Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 20 of the Complaint.

21. Defendant states that the allegations contained in Paragraph 21 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained therein. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 21 of the Complaint.
22. Defendant adopts its admissions and denials as previously stated in Paragraphs 1 through 21 of this Answer.
23. Defendant states that the allegations contained in Paragraph 23 of the Complaint contain legal conclusions to which no response is required.
24. Defendant states that the allegations contained in Paragraph 24 of the Complaint contain legal conclusions to which no response is required.
25. Defendant states that the allegations contained in Paragraph 25 of the Complaint contain legal conclusions to which no response is required. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 25 of the Complaint.
26. Defendant states that the allegations contained in Paragraph 26 of the

Complaint contain legal conclusions to which no response is required.

27. Defendant states that the allegations contained in Paragraph 27 of the Complaint contain legal conclusions to which no response is required. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 27 of the Complaint.
28. Defendant denies the allegations contained in paragraph 28 of the Complaint.
29. Defendant states that the allegations contained in Paragraph 29 of the Complaint contain legal conclusions to which no response is required. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 29 of the Complaint.
30. Defendant states that the allegations contained in Paragraph 30 of the Complaint contain legal conclusions to which no response is required. By way of further answer, Defendant denies any and all allegations of wrongdoing inferred or contained in paragraph 30 of the Complaint.

Defendant states that the remainder of Plaintiff's Complaint contains Plaintiff's request for relief to which no response is required. To the extent that a response is required, Defendant denies each and every allegation contained therein and denies that Plaintiff is entitled to any relief whatsoever.

FIRST AFFIRMATIVE DEFENSE

Plaintiff cannot establish an injury-in-fact or the probability of a future injury, a causal connection between any purported injury-in-fact and the challenged actions of Defendant, or any purported injury would be redressed by a favorable decision. Further,

Defendant cannot establish a real and immediate – as opposed to merely conjectural or hypothetical – threat of future injury.

As stated previously, Defendant reserves the right to add additional affirmative defenses should Defendant become aware of such during the course of discovery.

Respectfully submitted this 6th day of May 2021.

/s/ Courtenay Patterson

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May 2021, I electronically filed the foregoing Initial Disclosures pursuant to F.R.C.P. Rule 26 with the Clerk of Court using the CM/ECF service, which provided electronic service to the following:

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